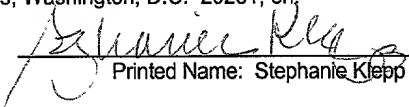


**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

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Date: 9/28/2001

  
Printed Name: Stephanie Klepp

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Mark A. Bakke et al.

Serial No.: Not Assigned

Filed: Herewith

For: INTELLIGENT DATA STORAGE MANAGER

Group Art Unit: 2782

Attorney Docket No. 98-017-TAX

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please amend the above-identified patent application as follows:

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**IN THE CLAIMS:**

Cancel Claim 2 without prejudice or disclaimer.

Cancel Claim 3 without prejudice or disclaimer.

Cancel Claim 8 without prejudice or disclaimer.

Cancel Claim 9 without prejudice or disclaimer.

Please add the following new claims:

13. A data storage manager operational in a data storage subsystem that uses a plurality of data storage elements to store data thereon for a plurality of host processors that are coupled to said data storage subsystem, comprising:

means for maintaining at least one storage attribute associated with a logical data storage device, said logical data storage device comprising at least a portion of said plurality of data storage elements;

means for identifying at least one storage attribute appropriate for a present data object;

means for comparing said identified storage attribute with said maintained storage attribute;

means, responsive to a failure to match said identified storage attribute with said maintained storage attribute, for creating a new logical data storage device; and

means for storing said present data object on that portion of said plurality of data storage elements that correspond to said new logical data storage device.

14. The data storage manager of Claim 13, wherein said plurality of data storage elements comprise physical and logical data storage elements.

15. A data storage manager operational in a data storage subsystem that uses a plurality of data storage elements to store data thereon for a plurality of host processors that are coupled to said data storage subsystem, comprising:

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means for maintaining at least one storage attribute associated with a logical data storage device, said logical data storage device comprising at least a portion of said plurality of data storage elements;

means for identifying at least one storage attribute appropriate for a present data object;

means for comparing said identified storage attribute with said maintained storage attribute;

means, responsive to a match of said identified storage attribute with said maintained storage attribute, for creating a new instantiation of said logical data storage device; and

means for storing said present data object on that portion of said plurality of data storage elements that correspond to said new instantiation of said logical data storage device.

16. The data storage manager of Claim 15, wherein said plurality of data storage elements comprise physical and logical data storage elements.

17. In a data storage manager operational in a data storage subsystem that uses a plurality of data storage elements to store data thereon for a plurality of host processors that are coupled to said data storage subsystem, a method comprising the steps of:

maintaining at least one storage attribute associated with a logical data storage device, said logical data storage device comprising at least a portion of said plurality of data storage elements;

identifying at least one storage attribute appropriate for a present data object;

comparing said identified storage attribute with said maintained storage attribute;

creating, responsive to a failure to match said identified storage attribute with said maintained storage attribute, a new logical data storage device; and

storing said present data object on that portion of said plurality of data storage elements that correspond to said new logical data storage device.

18. A data storage manager operational in a data storage subsystem that uses a plurality of data storage elements to store data thereon for a plurality of host processors that are coupled to said data storage subsystem, comprising:

maintaining at least one storage attribute associated with a logical data storage device, said logical storage device comprising at least a portion of said plurality of data storage elements;

identifying at least one storage attribute appropriate for a present data object;

comparing said identified storage attribute with said maintained storage attribute;

creating, responsive to a match of said identified storage attribute with said maintained storage attribute, a new instantiation of said logical data storage device; and

storing said present data object on that portion of said plurality of data storage elements that correspond to said new instantiation of said logical data storage device.

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### Remarks

With respect to Claim 1, Applicants show that none of references cited in rejecting Claim 1 in the parent application teach or suggest the claimed feature of

means, responsive to a failure to match said identified set of data storage characteristics with a single one of said storage set of logical data storage device definitions, for creating a new logical device definition using a plurality of said stored set of logical data storage device definitions

In rejecting Claim 1 in the parent application, the Examiner cited Molin Figure 5; Col. 3, line 50 – Col. 4, line 40; and Col. 6, lines 24-53 as teaching this missing claimed element. Applicants show that, to the contrary, Molin teaches that if there is a failure to match, the original target (i.e. existing target) definition is used (Molin Col. 4, lines 36-39; Col. 5, lines 40-48). In other words, a failure to match results in using the current target definition, and does not teach or otherwise suggest creating a new logical device definition, as claimed.

Applicants show that Claim 7 is similarly non-obvious in view of the Allen and Molin references.

Examination of all claims is requested.

Respectfully submitted,

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